

United States District Court Southern District of Texas

Case Number: 03mc386

ATTACHMENT

Description:

☐ State Court Record ☒ State Court Record Continued

☐ Administrative Record

☒ Document continued - Part 116 of _____

☐ Exhibit to: _____
number(s) / letter(s) _____

Other: _____

1 interview with the defendant; is that
2 true?

3 A Some testing and some eyewitness
4 statements.

5 Q So you have reviewed some eyewitness
6 reports given to you by Mr. Guerinot?

7 A Mr. Easterling.

8 Q And then you interviewed the defendant?

9 A Yes.

10 Q Did you interview him in the Harris
11 County Jail?

12 A Yes.

13 Q What type of facilities did you
14 interview him in? What type of room was
15 it?

16 A It's a booth with Plexiglas between us
17 and a small speaker screen.

18 Q It's kind of like a closet, isn't it?

19 A Yes.

20 Q You're surrounded by concrete and it's
21 real loud in there?

22 A Yes.

23 Q It's difficult to hear who you're
24 conversing with; is that correct?

25 A Yes.

1 Q Would you say it's probably the worst
2 situation or circumstances in which to
3 conduct a clinical interview?

4 A Yes. I prefer the old jail.

5 Q But in the new jail that's the way it's
6 set up?

7 A Yes.

8 Q The information that you used to
9 complete your report and to give your
10 opinion to this jury is based a lot on
11 your interview with the defendant; is
12 that correct?

13 A Yes.

14 Q Now, you testified that you administered
15 some tests to him. Did I hear you say
16 that?

17 A Yes.

18 Q What type of tests did you administer to
19 him?

20 A It's called the Millon Clinical
21 Multiaxial Inventory Two.

22 Q Inventory Tool?

23 Q Two, number two.

24 Q What is the purpose of that test?
25 What's the objective?

1 A This test is for mainly to measure the
2 different personality styles. That's
3 its most useful use. It can also give
4 some indication of major psychiatric
5 disorders and substance abuse, but it's
6 primary tool is to determine or help
7 determine personality style, personality
8 disorder.

9 Q The manner in which the test is
10 administered, are you asking him
11 questions and he responds verbally, or
12 does he have to write something?

13 A He has to answer true or false so it's a
14 paper and pencil test.

15 Q So the test is purely self-supporting in
16 that whatever he tells you, that's what
17 you go with?

18 A That's correct. True.

19 Q There's no way to back up what he says?
20 You don't interview other people or
21 other witnesses to verify what he has
22 told you; is that correct?

23 A Once the results are in and it gives you
24 some impressions, you have to judge that
25 against the clinical interview and

1 historical background to see if it makes
2 sense. Then you either accept the test
3 or reject the test.

4 Q So you make a judgment call in that
5 regard?

6 A Yes.

7 Q Do you have a copy of that test with
8 you?

9 A Yes.

10 Q May I see it, please?

11 A Yes.

12 Q Dr. Quijano, just to give the jury an
13 idea what kind of questions that they're
14 asked, I'd like to go through some of
15 this.

16 Is this a common question? "I
17 always follow my own ideas rather than
18 doing what others expect of me." True
19 or false.

20 Is that one of the questions?

21 A Yes.

22 Q "I always feel like I'm not wanted in a
23 group."

24 Is that a question?

25 A Yes.

1 Q "I enjoy doing so many different things
2 that I can't make up my mind what to do
3 first."

4 A That's also a question.

5 Q "I think I'm a very social and outgoing
6 person."

7 Is that a question that you ask?

8 A Yes.

9 Q "I have a talent to be dramatic."

10 A Yes.

11 Q "I think I'm a special person which
12 deserves special attention from others."

13 These are some of the questions
14 that you said you asked?

15 A Yes.

16 Q "I was on the front cover of several
17 magazines last year."

18 A Yes.

19 Q "I feel very often that I lose my
20 ability to feel any sensation in parts
21 of my body."

22 A Yes.

23 Q "I use my charm to get the attention of
24 other people."

25 Is that a question?

1 A Yes.

2 Q "For some time now I've been feeling
3 very guilty because I can't do things
4 right anymore."

5 Is that a question?

6 A Yes.

7 Q "Many people have been prying in my
8 private life for a year."

9 Is that a question?

10 A Yes.

11 Q "I often get angry with people that do
12 things slowly."

13 A Yes.

14 Q These are pretty much the nature of the
15 questions that you go through with them?
16 I see there are a hundred and seventy-
17 five of those questions; is that
18 correct, sir?

19 A Yes.

20 Q After you've gone through about a
21 hundred and seventy-five of those
22 general type of questions, do you often
23 feel you have a pretty good handle on
24 the person, or enough of a handle on the
25 person to make the type of diagnosis

1 that you have made?

2 A It gives you some tips or ideas as to
3 the direction to go in and then you
4 confirm with your clinical data.

5 Q Your clinical data being what?

6 A Interviews, histories, eyewitness
7 statements.

8 Q Of course, that all comes within the
9 time period that you've told the jury
10 that you have spent on the case?

11 A Yes.

12 Q And that's based on a synopsis from the
13 Defense about their version of the facts
14 of the case; is that correct?

15 A Yes.

16 Q Are you aware of any determination by
17 the American Psychological Association
18 where they have determined that it is
19 unethical for a psychiatrist to testify
20 in a capital murder case about the
21 future dangerousness of the defendant?

22 A No, that's not true.

23 Q You disagree with that?

24 A That is not true. The American
25 Psychological Association does not

1 control psychiatrists. That statement
2 is by the American Psychiatric
3 Association.

4 Q Here's what I asked you. I said the
5 American Psychiatric Association. That
6 is my question.

7 A If that is your question, then it is
8 true that the American Psychiatric
9 Association has made that statement.
10 The American Psychological Association
11 has not made that statement.

12 Q That's not the question I asked but
13 thank you for clarifying that.

14 MR. EASTERLING: Excuse
15 me, Judge, but the record will
16 show that she did say the
17 American Psychological
18 Association. Probably wasn't
19 intentional but that's how she
20 asked the question.

21 Q In any event, sir, let's move on. I'd
22 like to ask you some questions from your
23 report that I've had a chance to look
24 over during the lunch hour.

25 You and I have never spoken

1 before you came in to testify today; is
2 that correct?

3 A No, we haven't.

4 Q In fact, is it true that the State of
5 Texas didn't know in advance that a
6 Defense expert was going to testify one
7 way or another in this prosecution; is
8 that correct?

9 A I don't know. Sometimes they know and
10 sometimes they don't because I get calls
11 from prosecutors sometimes before I
12 testify.

13 Q In this case you and I have not spoken?

14 A No, we haven't.

15 Q I have a few questions about your report
16 that I would ask you to explain to me,
17 if you don't mind. You made the comment
18 that the defendant appeared to be of
19 questionable reliability as an
20 informant.

21 Was that based upon your general
22 impression of the defendant or on
23 something that didn't pan out from his
24 test as opposed to what you knew about
25 the facts of the case?

1 A It was just the way he described his
2 situation to me. Some of his version
3 did not make sense.

4 Q So you had some questions about that?

5 A Yes.

6 Q You also mentioned that through the
7 administration of the tests that it
8 appeared that he had magnified the level
9 of experienced illness. What does that
10 mean?

11 A In that test we discussed in some of the
12 questions that you read, there is a
13 mechanism built into the test to measure
14 the degree in which the respondent
15 either pulls too much appearing too sick
16 or pulls too much to feeling too well,
17 too healthy. So on one side you have
18 exaggeration and on the other side you
19 have minimization. This particular
20 respondent showed some exaggeration of
21 symptoms.

22 Q Of course, at the time the defendant is
23 speaking with you in the jail setting,
24 he knows because you've informed him
25 that you're interviewing him for

1 four-year old girl that the officer
2 believed was also her daughter. He knew
3 that. He knew that she was begging him
4 not to kill her in front of her
5 children, begging for her life, and yet
6 he killed her. That tells you what kind
7 of man he is.

8 Society encompasses a lot of
9 people. Society has the right to be
10 protected from people like Duane Buck.
11 Cases like this are why the State of
12 Texas has the death penalty because
13 people like Duane Buck make choices in
14 their life. He's done nothing for
15 society. He's a burden to society.
16 You've seen nothing that shows that he
17 can give anything to society. He's
18 given nothing, nothing at all except to
19 kill and leave in his wake a family who
20 grieves. That's all that's left.

21 I'm asking you to do the job
22 that you've been selected to do. I'm
23 asking you to go back to that jury room
24 and to fairly look at the evidence and
25 look at this man very carefully and

1 think about the acts that he did, the
2 intentional and deliberate acts he
3 committed, and I think in your heart you
4 will find that he deserves exactly what
5 the evidence shows, what it shows you
6 that he deserves, and that is a yes
7 answer to the first issue and a no
8 answer to the second issue. I would ask
9 you to answer those questions in that
10 way.

11 Thank you very much.

12
13 (At this time the jury is
14 retired to deliberate.)

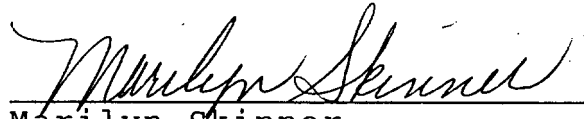
THE STATE OF TEXAS

COUNTY OF HARRIS

I, MARILYN SKINNER, Official Court Reporter in and for the 208th District Court of Harris County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of the proceedings reported by me in the above styled and numbered cause, to the best of my knowledge and belief, all of which occurred in open court or in chambers.

I further certify that this transcription of the record of the proceedings truly and correctly reflects the exhibits, if any, offered by the respective parties.

WITNESS MY HAND this the 9th
day of December A.D., 1997.


Marilyn Skinner
Official Court Reporter
208th District Court
Harris County, Texas

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1 purposes of making a determination about
2 your opinion as to his future
3 dangerousness; is that correct?

4 A Yes.

5 Q Certainly the defendant knows that at
6 some point in the future he's going to
7 go to trial, right?

8 A Yes.

9 Q And at some point you're going to
10 testify before a jury about your
11 opinion, correct?

12 A Yes.

13 Q Is that a fair statement?

14 A Yes.

15 Q Looking at your report regarding the
16 future dangerousness issue and the
17 statistical factors including when you
18 analyzed his past crimes, I believe you
19 stated that this was non-contributory,
20 correct?

21 A Yes.

22 Q I believe or I'm assuming you testified
23 to that because you thought all of his
24 past offenses were non-violent, correct?

25 A True.

1 Q Is that based on self-reporting and
2 maybe a synopsis of the Defense's notes?

3 A Mostly self-reporting.

4 Q If you were informed that the defendant
5 in fact had a history of abuse towards
6 women and had been assaultive and
7 combative and had threatened women with
8 weapons before, would that alter that
9 factor under this statistical factor
10 category?

11 A Yes.

12 Q So would that increase the probability
13 then of future dangerousness if that
14 were a factor that you would consider?

15 A That would increase the probability with
16 that population of victims, yes.

17 Q Now, you also mentioned that it was your
18 opinion that as a person becomes older
19 that they are less likely to commit
20 violent crimes. Is that true?

21 A Yes.

22 Q Isn't it true that even though it may be
23 less likely that it is a fact that
24 people of a greater age than thirty-
25 three do in fact commit extremely

1 violent crimes?

2 A Yes.

3 Q So you can't rule that possibility out
4 that an older defendant would commit
5 violent crimes, correct?

6 A No, we are talking about decreasing
7 probability and not impossibility.

8 Q You have determined that the sex factor,
9 that a male is more violent than a
10 female because that's just the way it
11 is, and that the race factor, black,
12 increases the future dangerousness for
13 various complicated reasons; is that
14 correct?

15 A Yes.

16 Q Now, as far as the socioeconomic factor,
17 I believe you said that the report of
18 his working stability was self-
19 reporting?

20 A Yes.

21 Q Which decreased the probability,
22 correct?

23 A Yes.

24 Q What if you had information that in fact
25 that the defendant wasn't a steady

1 worker, that he worked for someone who
2 paid him in cash, that he worked only
3 sporadically. Would that increase the
4 probability more so than you initially
5 stated in your report?

6 A The second sentence says unstable by
7 witness report because one of the
8 witness' statement said that he refused
9 to work.

10 Q So that increases it?

11 A Yes.

12 Q Let's talk about environmental factors.
13 In your report you talked about the
14 availability of victims, that the victim
15 pools become smaller in a prison
16 situation.

17 A Yes.

18 Q Would you agree with me though that in
19 fact there are victims available in the
20 prison population?

21 A Yes.

22 Q Without a doubt that there are crimes
23 that occur in the prison population,
24 correct?

25 A Yes.

1 Q You worked in TDC yourself for several
2 years, correct?

3 A Yes.

4 Q Certainly you've been aware of instances
5 where an inmate was killed by another
6 inmate, correct?

7 A Yes.

8 Q And incidents of guards being killed by
9 inmates?

10 A Very, very seldom, but it has happened.

11 Q Other people who are in the prison
12 system for various reasons have been
13 killed before; is that true?

14 A Yes.

15 Q So you can't tell this jury that violent
16 crimes do not happen in prison because
17 in reality it does occur, correct?

18 A I'm not telling the jury that it
19 doesn't.

20 Q Also you mentioned earlier that there is
21 a prosecution --

22 A Unit.

23 Q Thank you very much. That a prosecution
24 unit is set up to prosecute people who
25 commit crimes in prison. Of course,

1 what happens is that when they are
2 prosecuted and found guilty and are
3 punished, they're sent back to prison,
4 right?

5 A Or remain in prison.

6 Q That's what happens. They're in prison
7 and they commit a crime and they're
8 prosecuted and they go back to prison,
9 right?

10 A Yes.

11 Q Let's talk about the factor of
12 availability of weapons which is also
13 one of the factors that you say would
14 increase probability. Is it true that
15 weapons are available in prison?

16 A Yes.

17 Q Have you had occasion during your time
18 working in the prison system to see an
19 almost incredible variety of weapons
20 that can be fashioned by inmates in
21 prison?

22 A Yes.

23 Q In fact, they're almost ingenious in
24 what they can come up with and what they
25 can use to make a deadly weapon; is that

1 not true?

2 A Yes.

3 Q They can use toothbrushes, toothpicks,
4 and fashion all kinds of things that
5 they use to injure, assault, or maim
6 other people; is that correct?

7 A Yes.

8 Q Let's talk a little bit about drugs and
9 alcohol in prison. You have that as an
10 increased probability and that's
11 because, unfortunately, there are drugs
12 available in the Texas Department of
13 Corrections, correct?

14 A Yes.

15 Q And it is a known fact, however it gets
16 in there, that there is a network of all
17 kinds of illegal and illicit substances
18 in the Texas Department of Corrections,
19 correct?

20 A Yes.

21 Q You talked about clinical factors that
22 you consider when you make the
23 assessment of a continuing threat and
24 the dangerousness issue. You could not
25 give an opinion basically because of

1 insufficient data from the defendant's
2 self-reporting; is that correct?

3 A From his version, not sufficient data.
4 From the eyewitnesses, it appeared
5 deliberate.

6 Q So the more information you would know
7 about the time period, the
8 thoughtfulness the defendant put into
9 committing his crime, or let's just call
10 it the premeditation factor for lack of
11 a better word, that went into it, the
12 number of intentional acts it took to
13 perpetrate his crime, all those are
14 important factors to consider when
15 determining the probability for future
16 dangerousness, correct?

17 A Yes.

18 Q So the more deliberate the act, the more
19 thought that went into the act, the more
20 awareness of the result of a person's
21 act, the less impulsive the act, the
22 more likely the person would be a danger
23 and violent in the future?

24 A Yes.

25 Q Would that be a fair statement?

1 A Yes.

2 Q The lack of remorse, the fact that a
3 person showed very little or absolutely
4 no remorse for the results of his action
5 even for an extremely violent act, would
6 that show that that person has a greater
7 likelihood of being a threat in the
8 future?

9 A Yes.

10 Q Talking about post-conduct behavior,
11 things he did after he committed the
12 crime, you have a category called fun.
13 I don't know if that's a standard
14 category or whether it applies in this
15 case or not. I'm not sure. You made a
16 notation about the fact that you had
17 information that the defendant was
18 laughing. If you had information that
19 the person thought it was quite
20 humorous, the crime that he committed,
21 which was an extremely violent and
22 heinous act, and even after seeing the
23 result of his handiwork with people
24 bleeding, people screaming, children
25 crying, children running over to their

1 mother and hugging her before she died,
2 would that indicate to you that that
3 person with no remorse would have a
4 greater probability of being a danger in
5 the future?

6 A Yes.

7 Q In your report you indicated, and I
8 believe you testified to the jury that
9 you believed that the defendant if
10 incarcerated would not -- there would
11 not be the probability about him being a
12 continuing threat to society. I believe
13 that was your opinion.

14 A No.

15 Q That was not your opinion?

16 A A decreased probability but there is a
17 probability.

18 Q So there's a probability that the
19 defendant would be a continuing threat
20 to society?

21 A Right, but he would be on the low end of
22 the continuum. I never rule out any
23 probability.

24 Q Then there is a probability that he
25 would be a continuing threat to society?

1 A Yes.

2 MS. HUFFMAN: No other
3 questions, Doctor. Pass the
4 witness.

5

6 REDIRECT EXAMINATION

7 BY MR. EASTERLING:

8 Q First of all let's make it clear whether
9 or not you're a psychologist or a
10 psychiatrist and what the difference is
11 so the jury understands. Are you a
12 psychiatrist?

13 A I'm a psychologist.

14 Q Tell the jury what the difference is
15 between an psychologist and a
16 psychiatrist.

17 A About two hundred dollars an hour.

18 A psychiatrist is a medical
19 doctor. They go to medical school. The
20 last three years they have to specialize
21 and they are trained in psychiatry which
22 is the medical diagnosis and treatment
23 of psychiatric disorders. A
24 psychologist undergoes approximately the
25 same number of years in training but

1 specializes in psychology and does not
2 use medication to treat but uses
3 established psychological principles and
4 not medical intervention.

5 Q So it's the medical doctors, the
6 psychiatrists from the American
7 Psychiatric Association that don't
8 believe in coming in and testifying in
9 death penalty cases?

10 A I don't think it's that simplistic. It
11 simply says that you have to examine the
12 person and know the basis of your
13 prediction and that it's not enough to
14 predict. You have to also explain the
15 basis for that prediction so that the
16 trier of facts can give the appropriate
17 weight to your opinion.

18 Q But the American Psychological
19 Association has never taken the position
20 that there's something wrong with you
21 coming in here and testifying, have
22 they?

23 A No. The American Psychological
24 Association's guidance is to use
25 existing knowledge, psychological

1 knowledge, the body of knowledge that we
2 have, and apply to the specific
3 questions. It warns us not to
4 exaggerate our opinions or overclaim.
5 That's why I'm very careful to state my
6 opinions in terms of probabilities and
7 not black and white type of assessment.

8 Q If I would have asked you to do this
9 evaluation and you would have given me
10 the opinion that he was going to be a
11 high risk or there was a high
12 probability, then that would have been
13 the opinion we all would have had to
14 live with, right?

15 A Correct, because it would have been
16 based on the facts of the case.

17 Q You didn't give your opinion to me
18 because I wanted you to give that
19 opinion or Mr. Buck wanted you to give
20 that opinion or Mr. Guerinot wanted you
21 to give that opinion. You gave us your
22 professional experienced opinion; is
23 that correct?

24 A Correct. Nobody interfered with my
25 opinion nor lobbied me. I wrote my

1 report and I submitted it the way it is.

2 Q What is the I.Q. of Duane Buck that you
3 know from your testing?

4 A I did not do the testing myself but the
5 tests from some other psychologist shows
6 74, I think.

7 Q Could it be 72 to 74?.

8 MS. HUFFMAN: I'd object
9 to the leading, Your Honor.

10 THE COURT: Sustained.

11

12 BY MR. EASTERLING:

13 Q If it was around 74, is that on the low
14 or high end of I.Q.?

15 A That would be what is called the low end
16 of the borderline range.

17 Q Do you feel that had some effect on what
18 Ms. Huffman pointed out, that he was a
19 questionable informant about information
20 and details?

21 A That opinion came from his report to me
22 that he could not remember details up to
23 a certain point and that is where I said
24 that his reliability is questionable,
25 the lack of recollection of details

1 after a certain point.

2 Q You then used facts that you learned
3 from the police report and the
4 witnesses' statements about the details
5 of the murders, correct?

6 A Yes. The witnesses' statements were
7 detailed enough to pick up where he left.
8 off. It was very beneficial for me to
9 read that and to make a judgment in this
10 case, and the witnesses' statements were
11 responsible for many of the favorable
12 judgments I made of this defendant.

13 Q Now, you were aware that there was some
14 history of some alleged assaultive
15 behavior to a woman. You were aware of
16 that. You are still aware of it today.

17 Does that change your opinion in
18 any way concerning the fact that he's at
19 the low end of probability of committing
20 future acts of violence?

21 A No, my opinion would be the same. Many
22 of these factors that are true to him
23 now would not be true in prison. When
24 you're deciding on a person's
25 dangerousness, you not only look at the

1 factors that contribute to dangerousness
2 but you also look at where the people
3 will be and the facts of that
4 environment. You look at those factors
5 and know that many of those factors will
6 be controlled in prison. They cannot be
7 ruled out completely but they are
8 controlled much better in prison than in
9 free society.

10 Q It's very unlikely that he would have a
11 relationship with a woman in the
12 penitentiary; is that true?

13 A That would be unlikely.

14 Q And that would reduce the victim pool
15 that you talked about, correct?

16 A Correct. Particularly in his case where
17 the assaulted victims were always
18 involved in a romantic relationship.
19 When that victim pool is removed, the
20 probability of him being assaultive
21 towards other people as shown by his
22 previous prison record would be expected
23 to be good.

24 MR. EASTERLING: May I
25 approach the witness, Your

1 Honor?

2 THE COURT: Yes, sir.

3
4 BY MR. EASTERLING:

5 Q You talked about weapons with Ms.
6 Huffman, about weapons in prison. Do
7 inmates walk around with .22 rifles in
8 prison?

9 A No, they are no guns in prison.

10 Q Do they walk around with .12 gauge
11 shotguns in prison?

12 A No.

13 Q The kinds of things she's talking about
14 is like an inmate getting a fork from
15 the cafeteria and filing it down and
16 making it into a little knife. That's
17 the kind of thing she's talking about,
18 correct?

19 A There are no more forks, so it's
20 toothbrushes and pens and bones. There
21 are no more forks.

22 Q Does Duane Buck have any history of
23 using a knife or that type of deadly
24 weapon with anybody?

25 A No, not when he was in prison and in

1 jail.

2 Q In fact, there is no data or record
3 indicating that Duane Buck has ever used
4 a knife or a toothbrush or a razor blade
5 all the time that he was in the County
6 Jail or in TDC, correct?

7 A True.

8 Q Ms. Huffman talked to you about there
9 being no remorse immediately after the
10 crime. Let me talk to you about your
11 opinion about that. If the defendant
12 cried in open court when the witnesses
13 were testifying, do you have an opinion
14 about whether or not that's remorse?

15 A Yes.

16 Q What is that?

17 A It's remorse.

18 Q That, of course, would decrease
19 probability under all the facts that you
20 talked about concerning future violence?

21 A Yes.

22 Q To make sure that the jury understands,
23 you're saying that it's at the very low
24 end of probability that he would commit
25 any criminal acts of violence in the

1 prison population where he would be
2 incarcerated; is that correct?

3 A Yes.

4 Q You realize that the issue they have to
5 decide, the jury has to decide, is the
6 phrase beyond a reasonable doubt in
7 front of probability in that issue,
8 correct?

9 A Yes.

10 MR. EASTERLING: Pass the
11 witness, Judge.

12 MS. HUFFMAN: No
13 questions.

14
15 (AT this time the witness
16 is excused from the
17 courtroom.)

PATRICK GORDON LAWRENCE

was called as a witness by the Defense and,
having been duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. EASTERLING:

Q State your name to the jury, please.

A Patrick Gordon Lawrence.

Q Where do you live, Dr. Lawrence?

A Garrison, Texas.

Q Will you tell the jury where that is?

A North of Nacogdoches about eighteen
miles on Highway 59 if you're driving
from Houston to Shreveport.

Q Tell the jury your educational
background and your professional
credentials, please.

A I have a Doctorate in Philosophy and
Clinical Psychology from the California
School of Professional Psychology in
Fresno. I took that in 1979. Prior to
that I had a Masters in Psychology from
Texas A. & I. University in Kingsville
in 1971. Prior to that I had a
Bachelors in Financial Management, a

1 B.B.A. in Financial Management in 1969
2 from Texas A. & I. in Kingsville. I
3 belong to the American Psychological
4 Association, the Texas Psychological
5 Association and I'm Director of the
6 Division of Applied Psychology of the
7 Texas Psychological Association. I
8 belong to the American Correctional
9 Association, the Association for
10 Professional Psychologists, the East
11 Texas Psychological Association. I
12 believe that's all. I believe that's
13 pretty much all the professional
14 associations I belong to.

15 Q Let me show you Defendant's Exhibit
16 No. 2. Do you know what that is?

17 A That's my Curriculum Vitae.

18 Q And that shows all your educational
19 experience and the professional
20 associations that you belong to as well
21 as your bibliography on the third page?

22 A Yes.

23 MR. EASTERLING: I tender
24 this exhibit to the State and
25 offer it in evidence.

1 MS. HUFFMAN: No
2 objection.

3 THE COURT: Defense No. 2
4 is admitted.

5
6 BY MR. EASTERLING:

7 Q What is your current position?

8 A I work for the University of Texas
9 Medical Branch in Galveston, a managed
10 care company providing psychological
11 services for the inmate offenders of the
12 Texas Prison System at the Skyview
13 Psychiatric Facility. I am Supervising
14 Psychologist for a fifty-bed acute care
15 mission unit where we see approximately
16 thirty new inmates a month and evaluate
17 those people and decide what level of
18 care they need, whether they need long-
19 term institutional care or just short-
20 term care for depression or anxiety, or
21 if they need care on an out-patient
22 basis. I've been there since 1988.

23 Q And you have a private practice that
24 you've been working in since 1987?

25 A Yes, I've had a private practice there

1 in Garrison since 1987. I've appeared
2 in several courts in East Texas doing
3 evaluations for both the Defense and the
4 prosecution, evaluating particular
5 fellows they have brought to my
6 attention for a variety of different
7 offenses.

8 Q Did you also work at the Pine Lands
9 Hospital?

10 A Yes, sir, I worked there for a brief
11 period of time from April until October
12 of 1987 as Director of Patient Care
13 services. It was a private psychiatric
14 hospital in Nacogdoches.

15 Q Then from 1984 until 1987 did you work
16 as Director of Mental Health Services at
17 the Wichita Falls MHMR Community Center?

18 A Yes, sir, I was Director for the Mental
19 Health Services for the Wichita Falls
20 Mental Health Mental Retardation Center.
21 I supervised the provision services for
22 twelve hundred outpatients. I had
23 fifty-five long-term residential care
24 units. I had two fairly large programs
25 of structured living halfway house

1 facilities for mentally ill people. I
2 also supervised our DNE process which is
3 a process for evaluating people for
4 mental retardation. I supervised
5 services for Crisis Line and Crisis
6 Intervention Service within the
7 community which was a twenty-four hour
8 service.

9 I also supervised and did
10 evaluations on all the juvenile
11 offenders referred to us by the court,
12 the adult offenders referred to us by
13 the court as well as evaluating both
14 sexually abused children and sexual
15 offenders.

16 Q Sometime between 1980 and 1987, did you
17 work at River Gardens, New Braunfels, as
18 Director of Psychological Services; and
19 as Executive Director for Guadalupe
20 County Guidance Center; and as
21 psychologist at Big Spring State
22 Hospital; and as a psychological intern
23 at San Luis Obispo Community Mental
24 Health Center in California? Did you
25 work at all of those places?

1 A At San Luis Obispo I was doing an
2 internship from 1978 to 1979. The other
3 places were jobs where I was completing
4 my residency at Big Spring State
5 Hospital. Then I took a job at
6 Guadalupe County Guidance Center where I
7 was evaluating mentally ill substance
8 abusers developing some alternative
9 program for them. That program was
10 discontinued because of lack of Federal
11 Funds.

12 Q Do you recall meeting me about a year
13 ago at a capital murder symposium
14 seminar as required by District Judges
15 for anyone to practice in capital murder
16 cases? Do you remember that?

17 A Yes, sir.

18 Q Have you ever evaluated inmates or any
19 type of alleged offender or convict and
20 determined that they had the probability
21 to commit future acts of violence in the
22 future?

23 A Yes, I have.

24 Q Would you give us an example of one of
25 the projects that you did? I believe it

1 was in New Mexico. Would you just give
2 us an idea of what you've done in the
3 past?

4 A I was Staff Psychologist for the
5 Forensic Treatment System in New Mexico
6 from 1972 to 1975. In New Mexico we had
7 a law that required that someone had to
8 be brought to trial within six months or
9 the charges would be dismissed. So many
10 times the Defense would say that the
11 person was incompetent to stand trial
12 and send them away long enough to get
13 the charges dropped.

14 We developed an alternative way
15 of evaluating these people in a very
16 short period of time. I evaluated
17 everyone in the State of New Mexico from
18 1972 through 1975 that was sent for
19 competency on the sanity issue.

20 Practically all of them had to do with
21 crimes of violence, either murder or
22 sexual assault, or some other heinous
23 crime where people wanted an evaluation.
24 We appeared in court for our evaluations
25 of these folks.

1 In that process I saw a number
2 of inmates, a number of people that
3 later became convicted. I was told by a
4 friend of mine in --

5 MS. HUFFMAN: I'd object
6 to any hearsay.

7 THE COURT: Sustained.

8
9 BY MR. EASTERLING:

10 Q Try to answer without saying what people
11 told you.

12 A All right. I evaluated seven of the
13 nine offenders that went out and killed
14 people in the New Mexico riot. At the
15 time that I evaluated those people, I
16 did not see the other two offenders
17 because I wasn't there from 1976 to
18 1980. The riot happened in January of
19 1980. I evaluated seven of those
20 offenders and said that they would
21 probably commit heinous crimes or kill
22 again.

23 Q Did they do so?

24 A Yes.

25 Q And ever since that time you have been